



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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| 09/24/01 | 07/12/01 | NEEDHAM | FILED 01-01-01 |
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TIMOTHY N. TROMP  
1000 PLYMOUTH RD. S. 2000  
8554 KATY FREEWAY  
SUITE 100  
HOUSTON TX 77024

09/24/01

EXAMINER

DAVID G.

ART UNIT

PAPER NUMBER

2681

DATE MAILED:

03/26/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Advisory Action

Application No.  
09/243,701

Applicant(s)

Needham et al.

Examiner

Temica M. Davis

Group Art Unit

2681



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Feb 26, 2001 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

☒ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

☐ will not be entered because:

- ☐ they raise new issues that would require further consideration and/or search. (See note below).
- ☐ they raise the issue of new matter. (See note below).
- ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

- ☐ Applicant's response has overcome the following rejection(s): \_\_\_\_\_

- ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

See attached office action.

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: \_\_\_\_\_

Claims objected to: \_\_\_\_\_

Claims rejected: 15-25 and 27-29

- ☐ The proposed drawing correction filed on \_\_\_\_\_ ☐ has ☐ has not been approved by the Examiner.

- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

- ☐ Other

**TEMICA M. DAVIS**  
**PATENT EXAMINER**

*Temica M. Davis 3/19/01*

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Regarding arguments with respect to claim 15, applicant argues that Fleck does not disclose or suggest a server which serves messages out to vehicles when they come to a position, and further argues that event information is not stored and then served out to vehicles over time whenever vehicles come to that location and that Fleck does not disclose a storage medium adapted to store messages for access based on the position of the vehicle that transmitted the message .

The examiner respectfully disagrees. Fleck specifically discloses that information such as traffic events or traffic information is recorded together with a location identifier, and that this information is transmitted to other mobiles (see abstract). Fleck also discloses wherein certain road conditions (e.g. traffic or accidents) are stored in a dynamic database (col. 5, lines 40-43), wherein this information is transmitted back to mobile units in the vicinity of the road conditions (col. 5, lines 40-65).

Applicant is further directed to Fleck (col. 7, lines 8-39), where it is specifically disclosed that the storage medium contains historical traffic information and the prevailing traffic situation (col. 7, lines 30-39), wherein this information is utilized for vehicles that are in the vicinity of the traffic situation.

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Regarding argument's with respect to claim 22, applicant argues that Fleck does not disclose a processor that sorts received information based on appended position information and identifies that information when the vehicle is proximate to a location associated with the information.

Again, the examiner disagrees. Fleck specifically discloses wherein information related to traffic conditions are stored in a historical database along with a location identifier, and further discloses wherein this information is retrieved from the database and transmitted to mobile units that have entered the vicinity of a specific traffic event (abstract, col. 7, lines 8-39).

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 6:30 am to 4:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-4700.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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**or faxed to:**

(703) 308-6306 or (703) 308-6296 (for any communications intended for entry).


*Hand-delivered responses should be brought to Crystal Park II, 2121*

*Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).*



Temica M. Davis

March 24, 2001



**NAY MAUNG**  
**PRIMARY EXAMINER**